

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

GODOFREDO PLEITEZ,)	
)	
Plaintiff,)	No. 08-5587 BZ
)	
v.)	ORDER DENYING PLAINTIFF'S
)	REQUEST FOR LIS PENDENS
WASHINGTON MUTUAL, INC., et)	ORDER
al.,)	
)	
Defendants.)	

Plaintiff Godofredo Pleitez, acting pro se, has filed a request that I order that a Liz Pendence (sic) be recorded in Alameda County. Interpreting his request liberally, it appears he wants an order under California Code of Civil Procedure § 405.21 approving a notice of pending action, *i.e.* a notice of "lis pendens", to be recorded against certain real property.

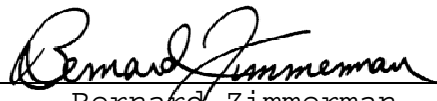
Under California Code of Civil Procedure § 405.20, a notice of lis pendens is proper only in "an action in which a real property claim is alleged." Section 405.40 defines a "real property claim" as one which would, if meritorious, affect "title to, or the right to possession of, specific real

1 property." Here, plaintiff has alleged five causes of action,
2 including fraud, usury, abuse of process, intentional
3 infliction of emotional distress, and trespassing.

4 Plaintiff's complaint, however, lacks factual specificity and
5 I am therefore unable to determine whether plaintiff's causes
6 of action affect title to, or the right to possession of, the
7 specific real property described in the Lis Pendens. This is
8 particularly true in light of the fact that plaintiff has not
9 moved for injunctive relief. See Helppi v. Bowman, No. C
10 07-0853, 2007 U.S. Dist. LEXIS 40594 (N.D. Cal. May 23, 2007).

11 **IT IS THEREFORE ORDERED** that plaintiff's request is **DENIED**
12 without prejudice. If plaintiff wishes the court to approve a
13 Lis Pendens, he shall file an amended complaint setting forth
14 in plain English facts which explain how the claims he makes
15 in this lawsuit affect title to, or the right to possession
16 of, the property described in the Lis Pendens.

17 Dated: January 6, 2009

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19 Bernard Zimmerman
United States Magistrate Judge

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